



# House of Representatives

General Assembly

**File No. 488**

February Session, 2012

Substitute House Bill No. 5496

*House of Representatives, April 17, 2012*

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE REQUIRING COMMITTEES OF COGNIZANCE TO  
CONDUCT REVIEWS UNDER THE SUNSET LAW.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2012*) (a) Not later than July 1,
- 2 2014, and not later than every ten years thereafter, the joint standing
- 3 committee of the General Assembly having cognizance of any of the
- 4 following governmental entities or programs shall conduct a review of
- 5 the applicable entity or program in accordance with the provisions of
- 6 section 2c-3 of the general statutes, as amended by this act:
- 7 (1) Connecticut Examining Board for Barbers and Hairdressers and
- 8 Cosmeticians, established under section 20-235a of the general statutes;
- 9 (2) Board of Chiropractic Examiners, established under section 20-25
- 10 of the general statutes;

11 (3) Board of Examiners of Electrologists, established under section  
12 20-268 of the general statutes;

13 (4) Liquor Control Commission, established under section 30-2 of  
14 the general statutes;

15 (5) The Child Day Care Council, established under section 17b-748  
16 of the general statutes;

17 (6) State Insurance and Risk Management Board, established under  
18 section 4a-19 of the general statutes;

19 (7) State Milk Regulation Board, established under section 22-131 of  
20 the general statutes; and

21 (8) State Codes and Standards Committee, established under section  
22 29-251.

23 (b) Not later than July 1, 2015, and not later than every ten years  
24 thereafter, the joint standing committee of the General Assembly  
25 having cognizance of any of the following governmental entities or  
26 programs shall conduct a review of the applicable entity or program in  
27 accordance with the provisions of section 2c-3 of the general statutes,  
28 as amended by this act:

29 (1) Board of Examiners of Embalmers and Funeral Directors,  
30 established under section 20-208 of the general statutes;

31 (2) Connecticut Homeopathic Medical Examining Board,  
32 established under section 20-8 of the general statutes;

33 (3) Board of Examiners in Podiatry, established under section 20-51  
34 of the general statutes;

35 (4) Mobile Manufactured Home Advisory Council, established  
36 under section 21-84a of the general statutes;

37 (5) Family support grant program of the Department of Social  
38 Services, established under section 17b-616 of the general statutes;

39 (6) State Commission on Capitol Preservation and Restoration,  
40 established under section 4b-60 of the general statutes;

41 (7) Council on Environmental Quality, established under section  
42 22a-11 of the general statutes; and

43 (8) Police Officer Standards and Training Council, established  
44 under section 7-294b of the general statutes.

45 (c) Not later than July 1, 2016, and not later than every ten years  
46 thereafter, the joint standing committee of the General Assembly  
47 having cognizance of any of the following governmental entities or  
48 programs shall conduct a review of the applicable entity or program in  
49 accordance with the provisions of section 2c-3 of the general statutes,  
50 as amended by this act:

51 (1) Medical Examining Board, established under section 20-8a of  
52 the general statutes;

53 (2) Program of regulation of bedding and upholstered furniture,  
54 established under sections 21a-231 to 21a-236, inclusive, of the general  
55 statutes;

56 (3) Board of Education and Services for the Blind, established under  
57 section 10-293 of the general statutes;

58 (4) Connecticut Advisory Commission on Intergovernmental  
59 Relations, established under section 2-79a of the general statutes;

60 (5) State Properties Review Board, established under subsection (a)  
61 of section 4b-3 of the general statutes;

62 (6) Employment Security Board of Review, established under  
63 section 31-237c of the general statutes;

64 (7) State Board of Natureopathic Examiners, established under  
65 section 20-35 of the general statutes;

66 (8) Coastal management program, established under chapter 444 of

67 the general statutes; and

68 (9) Examining Board for Crane Operators, established under  
69 section 29-222 of the general statutes.

70 (d) Not later than July 1, 2017, and not later than every ten years  
71 thereafter, the joint standing committee of the General Assembly  
72 having cognizance of any of the following governmental entities or  
73 programs shall conduct a review of the applicable entity or program in  
74 accordance with the provisions of section 2c-3 of the general statutes,  
75 as amended by this act:

76 (1) Connecticut State Board of Examiners for Nursing, established  
77 under section 20-88 of the general statutes;

78 (2) Advisory and planning councils for regional centers for persons  
79 with intellectual disability, established under section 17a-273 of the  
80 general statutes;

81 (3) Automotive Glass Work and Flat Glass Work Board, established  
82 under section 20-331 of the general statutes;

83 (4) Electrical Work Board, established under section 20-331 of the  
84 general statutes;

85 (5) Commission on the Deaf and Hearing Impaired, established  
86 under section 46a-27 of the general statutes;

87 (6) Occupational Safety and Health Review Commission,  
88 established under section 31-376 of the general statutes; and

89 (7) Connecticut Marketing Authority, established under section 22-  
90 63 of the general statutes.

91 (e) Not later than July 1, 2018, and not later than every ten years  
92 thereafter, the joint standing committee of the General Assembly  
93 having cognizance of any of the following governmental entities or  
94 programs shall conduct a review of the applicable entity or program in  
95 accordance with the provisions of section 2c-3 of the general statutes,

96 as amended by this act:

97 (1) Board of Examiners for Opticians, established under section 20-  
98 139a of the general statutes;

99 (2) Connecticut State Board of Examiners for Optometrists,  
100 established under section 20-128a of the general statutes;

101 (3) Connecticut Board of Veterinary Medicine, established under  
102 section 20-196 of the general statutes;

103 (4) State Board of Landscape Architects, established under section  
104 20-368 of the general statutes;

105 (5) Elevator Installation, Repair and Maintenance Board, established  
106 under section 20-331 of the general statutes;

107 (6) Regional advisory councils for children and youth center  
108 facilities, established under section 17a-30 of the general statutes; and

109 (7) State Library Board, established under section 11-1 of the general  
110 statutes.

111 (f) Not later than July 1, 2019, and not later than every ten years  
112 thereafter, the joint standing committee of the General Assembly  
113 having cognizance of any of the following governmental entities or  
114 programs shall conduct a review of the applicable entity or program in  
115 accordance with the provisions of section 2c-3 of the general statutes,  
116 as amended by this act:

117 (1) Board of Examiners of Psychologists, established under section  
118 20-186 of the general statutes;

119 (2) State Dental Commission, established under section 20-103a of  
120 the general statutes;

121 (3) State Board of Examiners for Professional Engineers and Land  
122 Surveyors, established under section 20-300 of the general statutes;

123 (4) Heating, Piping, Cooling and Sheet Metal Work Board,  
124 established under section 20-331 of the general statutes;

125 (5) Advisory Council on Children and Families, established under  
126 section 17a-4 of the general statutes;

127 (6) Regulation of speech and language pathologists pursuant to  
128 chapter 399;

129 (7) Connecticut Siting Council, established under section 16-50j of  
130 the general statutes; and

131 (8) Advisory Council for Special Education, established under  
132 section 10-76i of the general statutes.

133 (g) Not later than July 1, 2020, and not later than every ten years  
134 thereafter, the joint standing committee of the General Assembly  
135 having cognizance of any of the following governmental entities or  
136 programs shall conduct a review of the applicable entity or program in  
137 accordance with the provisions of section 2c-3 of the general statutes,  
138 as amended by this act:

139 (1) Office of Long Term Care Ombudsman, established under  
140 section 17a-400 of the general statutes;

141 (2) Regulation of nursing home administrators pursuant to chapter  
142 368v of the general statutes;

143 (3) Regulation of hearing aid dealers pursuant to chapter 398 of the  
144 general statutes;

145 (4) Plumbing and Piping Work Board, established under section 20-  
146 331 of the general statutes;

147 (5) Commission on Children established under section 46a-126 of  
148 the general statutes; and

149 (6) Connecticut Public Transportation Commission, established  
150 under section 13b-11a of the general statutes.

151 (h) Not later than July 1, 2021, and not later than every ten years  
152 thereafter, the joint standing committee of the General Assembly  
153 having cognizance of any of the following governmental entities or  
154 programs shall conduct a review of the applicable entity or program in  
155 accordance with the provisions of section 2c-3 of the general statutes,  
156 as amended by this act:

157 (1) State Board of Examiners for Physical Therapists, established  
158 under section 20-67 of the general statutes;

159 (2) Commission on Medicolegal Investigations, established under  
160 subsection (a) of section 19a-401 of the general statutes;

161 (3) Program of regulation of occupational therapists, established  
162 under chapter 376a of the general statutes;

163 (4) Commission of Pharmacy, established under section 20-572 of  
164 the general statutes;

165 (5) Architectural Licensing Board, established under section 20-289  
166 of the general statutes;

167 (6) Connecticut Energy Advisory Board, established under section  
168 16a-3 of the general statutes; and

169 (7) Board of Firearms Permit Examiners, established under section  
170 29-32b of the general statutes.

171 (i) Not later than July 1, 2022, and not later than every ten years  
172 thereafter, the joint standing committee of the General Assembly  
173 having cognizance of any of the following governmental entities or  
174 programs shall conduct a review of the applicable entity or program in  
175 accordance with the provisions of section 2c-3 of the general statutes,  
176 as amended by this act:

177 (1) Program of regulation of sanitarians, established under chapter  
178 395 of the general statutes;

179 (2) Program of regulation of subsurface sewage disposal system

180 installers and cleaners, established under chapter 393a of the general  
181 statutes;

182 (3) Regulation of audiologists under sections 20-395a to 20-395g,  
183 inclusive, of the general statutes;

184 (4) Connecticut Real Estate Commission, established under section  
185 20-311a of the general statutes;

186 (5) State Board of Accountancy, established under section 20-280 of  
187 the general statutes;

188 (6) Agricultural lands preservation program, established under  
189 section 22-26cc of the general statutes; and

190 (7) Commission on Fire Prevention and Control, established under  
191 section 7-323k of the general statutes.

192 (j) Not later than July 1, 2023, and not later than every ten years  
193 thereafter, the joint standing committee of the General Assembly  
194 having cognizance of any of the following governmental entities or  
195 programs shall conduct a review of the applicable entity or program in  
196 accordance with the provisions of section 2c-3 of the general statutes,  
197 as amended by this act:

198 (1) Board of Mental Health and Addiction Services, established  
199 under section 17a-456 of the general statutes, as amended by this act;

200 (2) Advisory boards for state hospitals and facilities, established  
201 under section 17a-470 of the general statutes;

202 (3) Regional mental health boards, established under section 17a-  
203 484 of the general statutes;

204 (4) Investment Advisory Council, established under section 3-13b of  
205 the general statutes;

206 (5) Commission on Human Rights and Opportunities, established  
207 under section 46a-52 of the general statutes;



208 (6) Criminal Justice Policy Advisory Commission, established under  
209 section 18-87 of the general statutes;

210 (7) Connecticut Food Policy Council, established under section 22-  
211 456 of the general statutes; and

212 (8) Program of regulation of building demolition, established under  
213 section 29-401 of the general statutes.

214 Sec. 2. Section 2c-3 of the general statutes is repealed and the  
215 following is substituted in lieu thereof (*Effective July 1, 2012*):

216 The Legislative Program Review and Investigations Committee,  
217 established by the provisions of section 2-53e, shall, [conduct a  
218 performance audit of each governmental entity and program  
219 scheduled for termination under section 2c-2b. The Legislative  
220 Program Review and Investigations Committee shall complete its  
221 performance audit by January first of the year in which the  
222 governmental entity and program are scheduled for termination under  
223 section 2c-2b. In conducting the audit, the committee shall take into  
224 consideration, but not be limited to considering, the factors set forth in  
225 sections 2c-7 and 2c-8.] not later than March fifteenth of the year  
226 preceding the year in which a governmental entity or program is  
227 scheduled for review under section 1 of this act, provide each joint  
228 standing committee of the General Assembly having cognizance of any  
229 such entity or program with a form for collecting data using results-  
230 based measures, including, but not limited to, the criteria set forth in  
231 sections 2c-7 and 2c-8. Not later than July first of the year preceding  
232 the year in which the applicable entity or program is scheduled for  
233 review, the applicable joint standing committee of the General  
234 Assembly shall provide such form to the state agency with oversight  
235 over such entity or program. Not later than January fifteenth of the  
236 year in which the applicable entity or program is scheduled for review,  
237 such state agency shall submit such completed form to such joint  
238 standing committee. Each such committee shall hold a public hearing  
239 on such completed form during the regular legislative session of such  
240 year. The entities enumerated in section [2c-2b] 1 of this act shall

241 cooperate with [the Legislative Program Review and Investigations  
242 Committee] such committee in carrying out the purposes of [sections  
243 2c-1 to 2c-12, inclusive,] this chapter and shall provide such  
244 information, books, records and documents as [said] such committee  
245 may require, [to conduct its performance audit. Each governmental  
246 entity or program scheduled for termination pursuant to section 2c-2b  
247 shall provide at the request of the Program Review and Investigations  
248 Committee an analysis of its activities which specifically addresses the  
249 factors enumerated in sections 2c-7 and 2c-8.] After holding a public  
250 hearing, such committee shall submit a report to the General Assembly  
251 in accordance with the provisions of section 11-4a containing the  
252 committee's recommendations on the termination, modification or  
253 consolidation of the entity or program. If the committee determines  
254 that further review is needed, it may request the Legislative Program  
255 Review and Investigations Committee to review such entity or  
256 program or entity further, and said committee may grant or deny such  
257 request.

258 Sec. 3. Section 2c-6 of the general statutes is repealed and the  
259 following is substituted in lieu thereof (*Effective July 1, 2012*):

260 Each governmental entity enumerated in section [2c-2b] 1 of this act  
261 shall have the burden of demonstrating a public need for the  
262 [reestablishment] continuation of the entity or program. Each such  
263 entity shall also have the burden of demonstrating that it has served  
264 the public interest and not merely the interests of the persons  
265 regulated. [The joint standing committee of the General Assembly  
266 having cognizance of matters relating to government administration,  
267 organization and reorganization may recommend to the General  
268 Assembly that the governmental entity or program be modified,  
269 consolidated with another entity or program or reestablished.]

270 Sec. 4. Section 1-1g of the 2012 supplement to the general statutes is  
271 repealed and the following is substituted in lieu thereof (*Effective July*  
272 *1, 2012*):

273 (a) For the purposes of sections 17a-210b and 38a-816, "mental

274 retardation" means a significantly subaverage general intellectual  
275 functioning existing concurrently with deficits in adaptive behavior  
276 and manifested during the developmental period.

277 (b) For the purposes of sections [2c-2b,] 4a-60, 4b-28, 4b-31, 8-2g, 8-  
278 3e, 8-119t, 9-159s, 10-91f, 12-81, 17a-210, 17a-210b, 17a-215c, 17a-217 to  
279 17a-218a, inclusive, 17a-220, 17a-226 to 17a-227a, inclusive, 17a-228,  
280 17a-231 to 17a-233, inclusive, 17a-247 to 17a-247b, inclusive, 17a-270,  
281 17a-272 to 17a-274, inclusive, 17a-276, 17a-277, 17a-281, 17a-282, 17a-  
282 580, 17a-593, 17a-594, 17a-596, 17b-226, 19a-638, 45a-598, 45a-669, 45a-  
283 670, 45a-672, 45a-674, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-  
284 681, 45a-682, 45a-683, 46a-11a to 46a-11g, inclusive, 46a-51, 46a-60, 46a-  
285 64, 46a-64b, 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46a-76, 46b-  
286 84, 52-146o, 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-181i, 53a-  
287 320, 53a-321, 53a-322, 53a-323, 54-56d and 54-250, "intellectual  
288 disability" [shall have] has the same meaning as "mental retardation"  
289 as defined in subsection (a) of this section.

290 (c) As used in subsection (a) of this section, "general intellectual  
291 functioning" means the results obtained by assessment with one or  
292 more of the individually administered general intelligence tests  
293 developed for that purpose and standardized on a significantly  
294 adequate population and administered by a person or persons  
295 formally trained in test administration; "significantly subaverage"  
296 means an intelligence quotient more than two standard deviations  
297 below the mean for the test; "adaptive behavior" means the  
298 effectiveness or degree with which an individual meets the standards  
299 of personal independence and social responsibility expected for the  
300 individual's age and cultural group; and "developmental period"  
301 means the period of time between birth and the eighteenth birthday.

302 Sec. 5. Section 17a-2 of the 2012 supplement to the general statutes is  
303 repealed and the following is substituted in lieu thereof (*Effective July*  
304 *1, 2012*):

305 (a) There shall be a Department of Children and Families which  
306 shall be a single budgeted agency consisting of the institutions,

307 facilities and programs existing within the department, any programs  
308 and facilities transferred to the department, and such other  
309 institutions, facilities and programs as may hereafter be established by  
310 or transferred to the department by the General Assembly.

311 (b) Said department shall constitute a successor department to the  
312 Department of Children and Youth Services, for the purposes of  
313 sections [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-  
314 259, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-  
315 76g, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-  
316 579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-  
317 218, 17a-277, 17a-450, 17a-458, 17a-474, 17a-560, 17a-511, 17a-634, 17a-  
318 646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-216, 20-14i, 20-14j, 31-23,  
319 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-706 to 45a-770,  
320 inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive, 46b-120 to 46b-  
321 159, inclusive, 54-56d, 54-142k, 54-199, 54-203 and in accordance with  
322 the provisions of sections 4-38d and 4-39.

323 (c) Whenever the words "Commissioner of Children and Youth  
324 Services", "Department of Children and Youth Services", or "Council  
325 on Children and Youth Services" are used in sections [2c-2b,] 4-5, 4-38c,  
326 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-259, 7-127c, 8-206d, 10-8a,  
327 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-94g, 10-253, 17-86a, 17-294,  
328 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,  
329 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, 17a-474,  
330 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-216,  
331 20-14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive,  
332 45a-706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19,  
333 inclusive, 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199, 54-203,  
334 the words "Commissioner of Children and Families", "Department of  
335 Children and Families", and "Council on Children and Families" shall  
336 be substituted respectively in lieu thereof.

337 Sec. 6. Section 17a-210d of the 2012 supplement to the general  
338 statutes is repealed and the following is substituted in lieu thereof  
339 (*Effective July 1, 2012*):

340 (a) (1) Wherever the words "the mentally retarded" are used in the  
341 following general statutes, "persons with intellectual disability" or  
342 "individuals with intellectual disability" shall be substituted in lieu  
343 thereof; (2) wherever the words "mentally retarded", "mentally  
344 retarded person" or "mentally retarded persons" are used in the  
345 following general statutes, the words "intellectual disability", "person  
346 with intellectual disability" or "persons with intellectual disability"  
347 shall be substituted in lieu thereof; and (3) wherever the words "mental  
348 retardation" are used in the following general statutes, the words  
349 "intellectual disability" shall be substituted in lieu thereof: [2c-2b,] 4a-  
350 60, 4b-31, 8-2g, 8-3e, 9-159s, 10-91f, 17a-593, 17a-594, 17a-596, 45a-598,  
351 45a-669, 45a-672, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-681,  
352 45a-682, 45a-683, 46a-51, 46a-60, 46a-64, 46a-64b, 46a-66, 46a-70, 46a-71,  
353 46a-72, 46a-73, 46a-75, 46a-76, 46b-84, 52-146o, 53a-46a, 53a-181i and  
354 54-250.

355 (b) The Legislative Commissioners' Office shall, in codifying said  
356 sections of the general statutes pursuant to subsection (a) of this  
357 section, make such technical, grammatical and punctuation changes as  
358 are necessary to carry out the purposes of this section.

359 Sec. 7. Subsection (a) of section 17a-450a of the 2012 supplement to  
360 the general statutes is repealed and the following is substituted in lieu  
361 thereof (*Effective July 1, 2012*):

362 (a) The Department of Mental Health and Addiction Services shall  
363 constitute a successor department to the Department of Mental Health.  
364 Whenever the words "Commissioner of Mental Health" are used or  
365 referred to in the following general statutes, the words "Commissioner  
366 of Mental Health and Addiction Services" shall be substituted in lieu  
367 thereof and whenever the words "Department of Mental Health" are  
368 used or referred to in the following general statutes, the words  
369 "Department of Mental Health and Addiction Services" shall be  
370 substituted in lieu thereof: [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4a-12, 4a-16,  
371 5-142, 8-206d, 10-19, 10-71, 10-76d, 17a-14, 17a-26, 17a-31, 17a-33, 17a-  
372 218, 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-455, 17a-

373 456, as amended by this act, 17a-457, 17a-458, 17a-459, 17a-460, 17a-464,  
374 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473,  
375 17a-474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483,  
376 17a-484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512,  
377 17a-513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576,  
378 17a-581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359,  
379 17b-420, 17b-694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576,  
380 19a-583, 20-14i, 20-14j, 21a-240, 21a-301, 27-122a, 31-222, 38a-514, 46a-  
381 28, 51-51o, 52-146h and 54-56d.

382 Sec. 8. Section 17a-456 of the general statutes is repealed and the  
383 following is substituted in lieu thereof (*Effective July 1, 2012*):

384 [(a)] There shall be a Board of Mental Health and Addiction Services  
385 that shall consist of: (1) Nineteen members appointed by the Governor,  
386 subject to the provisions of section 4-9a, five of whom shall have had  
387 experience in the field of substance abuse, five of whom shall be from  
388 the mental health community, three of whom shall be physicians  
389 licensed to practice medicine in this state who have had experience in  
390 the field of psychiatry, two of whom shall be psychologists licensed to  
391 practice in this state, two of whom shall be persons representing  
392 families of individuals with psychiatric disabilities, and two of whom  
393 shall be persons representing families of individuals recovering from  
394 substance abuse problems; (2) the chairmen of the regional mental  
395 health boards established pursuant to section 17a-484; (3) one designee  
396 of each such board; (4) two designees from each of the five subregions  
397 represented by the substance abuse subregional planning and action  
398 councils established pursuant to section 17a-671; (5) one designee from  
399 each mental health region established pursuant to section 17a-478, each  
400 of whom shall represent individuals with psychiatric disabilities,  
401 selected by such regional mental health boards in collaboration with  
402 advocacy groups; and (6) one designee from each of the five  
403 subregions represented by such substance abuse subregional planning  
404 and action councils, each of whom shall represent individuals  
405 recovering from substance abuse problems, selected by such substance  
406 abuse subregional planning and action councils in collaboration with

407 advocacy groups. The members of the board shall serve without  
408 compensation except for necessary expenses incurred in performing  
409 their duties. The members of the board may include representatives of  
410 nongovernment organizations or groups, and of state agencies,  
411 concerned with planning, operation or utilization of facilities  
412 providing mental health and substance abuse services, including  
413 consumers and providers of such services who are familiar with the  
414 need for such services, except that no more than half of the members of  
415 the board shall be providers of such services. Appointed members  
416 shall serve on the board for terms of four years each and members who  
417 are designees shall serve on the board at the pleasure of the  
418 designating authority. No appointed member of the board shall be  
419 employed by the state or be a member of the staff of any institution for  
420 which such member's compensation is paid wholly by the state. No  
421 appointed member may serve more than two successive terms plus the  
422 balance of any unexpired term to which such member has been  
423 appointed. A majority of the board shall constitute a quorum.

424 [(b) Whenever the term "Board of Mental Health" is used or referred  
425 to in the following sections of the general statutes, the term "Board of  
426 Mental Health and Addiction Services" shall be substituted in lieu  
427 thereof: 2c-2b, 17a-457, 17a-460, 17a-467, 17a-473, 17a-564.]

428 Sec. 9. Section 19a-13 of the general statutes is repealed and the  
429 following is substituted in lieu thereof (*Effective July 1, 2012*):

430 As used in [subsection (a) of section 2c-2b,] this chapter and  
431 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,  
432 inclusive, 398 and 399 unless the context otherwise requires:

433 (1) "Certificate" includes the whole or part of any Department of  
434 Public Health permit which the department is authorized by the  
435 general statutes to issue and which further: (A) Authorizes practice of  
436 the profession by certified persons but does not prohibit the practice of  
437 the profession by others, not certified; (B) prohibits a person from  
438 falsely representing that he is certified to practice the profession unless  
439 the person holds a certificate issued by the department; (C) requires as

440 a condition to certification that a person submit specified credentials to  
441 the department which attest to qualifications to practice the profession;

442 (2) "Emerging occupation or profession" means a group of health  
443 care providers whose actual or proposed duties, responsibilities and  
444 services include functions which are not presently regulated or  
445 licensed or which are presently performed within the scope of practice  
446 of an existing licensed or otherwise regulated health occupation or  
447 profession;

448 (3) "License" includes the whole or part of any Department of Public  
449 Health permit, approval or similar form of permission required by the  
450 general statutes and which further requires: (A) Practice of the  
451 profession by licensed persons only; (B) that a person demonstrate  
452 competence to practice through an examination or other means and  
453 meet certain minimum standards; (C) enforcement of standards by the  
454 department or regulatory board or commission;

455 (4) "Public member" means an elector of the state who has no  
456 substantial financial interest in, is not employed in or by, and is not  
457 professionally affiliated with, any industry, profession, occupation,  
458 trade or institution regulated or licensed by the board or commission  
459 to which he is appointed, and who has had no professional affiliation  
460 with any such industry, profession, occupation, trade or institution for  
461 three years preceding his appointment to the board or commission;

462 (5) "Registration" means the required entry upon a list maintained  
463 by the Department of Public Health of the name of a practitioner or the  
464 address of a place where a practice or profession subject to the  
465 provisions of [subsection (a) of section 2c-2b,] this chapter and chapters  
466 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive,  
467 398 and 399 may be engaged in;

468 (6) "Complaint" means a formal statement of charges issued by the  
469 Department of Public Health.

470 Sec. 10. Subdivision (4) of subsection (a) of section 19a-14 of the 2012



471 supplement to the general statutes is repealed and the following is  
 472 substituted in lieu thereof (*Effective July 1, 2012*):

473 (4) Adopt, with the advice and assistance of the appropriate board  
 474 or commission, and in accordance with chapter 54, any regulations  
 475 which are consistent with protecting the public health and safety and  
 476 which are necessary to implement the purposes of [subsection (a) of  
 477 section 2c-2b,] section 1 of this act, this chapter, and chapters 368v, 369  
 478 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive, 398 and  
 479 399;

480 Sec. 11. Section 2c-2b of the 2012 supplement to the general statutes  
 481 and sections 2c-4, 2c-5 and 2c-9 to 2c-12, inclusive, of the general  
 482 statutes are repealed. (*Effective July 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	New section
Sec. 2	<i>July 1, 2012</i>	2c-3
Sec. 3	<i>July 1, 2012</i>	2c-6
Sec. 4	<i>July 1, 2012</i>	1-1g
Sec. 5	<i>July 1, 2012</i>	17a-2
Sec. 6	<i>July 1, 2012</i>	17a-210d
Sec. 7	<i>July 1, 2012</i>	17a-450a(a)
Sec. 8	<i>July 1, 2012</i>	17a-456
Sec. 9	<i>July 1, 2012</i>	19a-13
Sec. 10	<i>July 1, 2012</i>	19a-14(a)(4)
Sec. 11	<i>July 1, 2012</i>	Repealer section

***Statement of Legislative Commissioners:***

In section 2, a reference to "reestablishment" was deleted for internal consistency.

***PRI***            *Joint Favorable Subst. C/R*

GAE

***GAE***            *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which transfers, from the legislative Program Review and Investigations Committee (PRI) to the committee of cognizance, the responsibility for reviewing the numerous licensing and regulatory entities under the bill, has no fiscal impact. Instead of automatic termination dates, the bill instead establishes staggered review dates. Committees of cognizance may still request that PRI review certain entities and programs.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5496*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE REQUIRING COMMITTEES OF COGNIZANCE TO CONDUCT REVIEWS UNDER THE SUNSET LAW.*****SUMMARY:**

Under the current sunset law, numerous licensing and regulatory state agencies and programs terminate on set dates unless the General Assembly reestablishes them after the Legislative Program Review and Investigations Committee (PRI) conducts a performance audit of each.

This bill eliminates the automatic termination dates and instead establishes staggered review dates beginning no later than July 1, 2014. It transfers, from PRI to the applicable joint standing committee of the General Assembly with cognizance, responsibility for reviewing the entities and programs. Under the bill, the applicable committee of cognizance must conduct the review every ten years, rather than every four years as current law requires PRI to do.

The bill repeals provisions rendered obsolete by removing the automatic termination dates. It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2012

**PERFORMANCE AUDIT AND RECOMMENDATIONS**

Under the bill, the applicable committee of cognizance, rather than PRI, must (1) review the public need for each specified entity or program according to established criteria and (2) report to the General Assembly its recommendations for terminating, reestablishing, modifying, or consolidating them. Toward that end, the bill establishes procedures and associated deadlines, which Table 1 shows.

**Table 1: Audit Procedures and Schedule**

<b>Action</b>	<b>Deadline</b>
PRI provides each committee of cognizance with a form for collecting data using results-based measures, including the criteria the law establishes for determining public need and public interest	March 15 <sup>th</sup> of the year preceding the year when the entity or program is scheduled for review
Applicable committee of cognizance provides the form to the state agency with oversight over the entity or program	July 1 <sup>st</sup> of the year preceding the year when the entity or program is scheduled for review
State agency with oversight over the entity or program submits the completed form to the applicable committee of cognizance	January 15 <sup>th</sup> of the year when the entity or program is scheduled for review

***Public Hearing, Report, and Recommendations***

Current law requires the Government Administration and Elections Committee (GAE) to hold a public hearing prior to the termination, modification, consolidation, or reestablishment of any governmental entity or program. It allows, but does not require, the GAE Committee to make recommendations to the General Assembly concerning modification or consolidation.

The bill instead requires the applicable committee of cognizance to hold the public hearing during the regular legislative session in the year that the program or entity is scheduled for termination. After the applicable committee holds a public hearing, it must submit a report to the General Assembly with its recommendations. The committee may ask PRI to review the entity or program if it determines further review is necessary. PRI may grant or deny the request.

The bill does not specify a deadline by which the applicable committee of cognizance must submit its report to the General Assembly. Currently, PRI must submit its report by January 1<sup>st</sup> of the

year in which affected entities and programs are scheduled for termination.

**COMMITTEE ACTION**

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference

Yea 10 Nay 0 (03/16/2012)

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/29/2012)